

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

ISAIAH RODDY JR.,

Plaintiff,

v.

No. CV 10-0646 LH/CG

THE CORNELL MEDICAL SERVICES OF THE
REGIONAL CORRECTIONAL CENTER,

Defendants.

ORDER DENYING MOTION TO SUBSTITUTE PARTIES

THIS MATTER is before the Court upon Plaintiff Isaiah Roddy Jr.'s *Motion to Substitute Parties* ('Motion'). (Doc. 10). Defendants have not filed a response to Plaintiff's Motion. The Court, being fully advised in this matter, finds Plaintiff's Motion not to be well taken and will **DENY** the Motion **WITHOUT PREJUDICE**.

Mr. Roddy is moving pro se to substitute the current named defendant - Cornell Medical Services - in his case. Mr. Roddy states in his Motion that Cornell Medical Services has been taken over by another company, the GEO Group, and that GEO should be substituted as defendants in this suit. (*Id.*) It appears that Cornell was indeed bought by and merged into the GEO Group in April of 2010.¹

Defendant Cornell has not responded to Mr. Roddy's Motion to substitute parties. Neither has Cornell asked for a substitution of parties. In its answer, Defendant Cornell has

¹ See, e.g.,
<http://www.businesswire.com/news/home/20100419006086/en/GEO-Group-Cornell-Companies-Announce-685-Million> ;
<http://www.themiddlemarket.com/news/geo-group-cornell-companies-merge-205195-1.html>

asserted an affirmative defense that "Plaintiff's claims fail because "Cornell Medical Services of the Regional Correctional Center is not a legal entity and not a proper party."'" (Doc. 14 at 2). The basis for Defendant's affirmative defense is unclear. Defendant may be asserting that it is not a proper party to the suit because of its merger with the GEO Group. Alternatively, the defense may be based on the fact that 'Cornell Medical Services of the Regional Correctional Center' is not the correct name of the company - Defendant has advised the Court that the proper name of the company is Cornell Companies, Inc. (Doc. 18 at 1). Cornell's answer does not mention the GEO Group or Mr. Roddy's Motion to substitute parties.

Notwithstanding the affirmative defense, Cornell has responded to all of Mr. Roddy's allegations on the merits. Cornell has filed an answer on the merits in response to Plaintiff's suit. (Doc. 14). Defendant Cornell also filed a Martinez report in which addresses the merits of Mr. Roddy's claims. (Doc. 18). Cornell has admitted that it and its employees were responsible for Plaintiff's medical care while he was incarcerated . (Doc. 14 at 1; Doc. 18 at 1, 4-5). Cornell has never claimed that GEO Group should be substituted as the proper defendant in this case. Cornell has therefore put this case in a posture to be decided on the merits with Cornell as the named defendant. Accordingly, this Court sees no reason to substitute the defendants at this time. Therefore, the Motion will be **DENIED WITHOUT PREJUDICE.**

IT IS ORDERED that Plaintiff's *Motion to Substitute Parties* (Doc. 10) be **DENIED WITHOUT PREJUDICE.**



CARMEN E. GARZA
UNITED STATES MAGISTRATE JUDGE